

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
vs.) **Case No. 21-00101-01-CR-W-SRB**
)
)
KENDRA KINGSBURY,)
)
Defendant.)

ORDER

On May 18, 2021, the grand jury returned an indictment charging Defendant Kendra Kingsbury with two counts of willful retention of national defense information in violation of 18 U.S.C. § 793(e). Doc. 1. During the arraignment on June 1, 2021, this matter was set on the July 12, 2021 trial docket. Docs. 11, 13. Defense counsel orally moved to continue the trial to the March 2022 docket to allow time to obtain and review discovery and confer with Defendant. *Id.* The Court granted the oral motion and continued the matter to the March 21, 2022 Joint Criminal Jury Trial Docket. *Id.*

On February 22, 2022, defense counsel filed a motion to continue the trial. Doc. 21. According to defense counsel, a continuance is necessary to allow “the defense adequate time to review the discovery and to discuss the case with Ms. Kingsbury.” *Id.* at 2. Counsel states he is “unable to complete the discovery review currently due to the pendency of security clearances, a process that is out of the parties’ hands.” *Id.* Further, counsel avers the parties are “working to accomplish what they can regarding the discovery review process” but they are “not yet able to provide specific scheduling suggestions to the Court” and therefore “request[] a status conference be scheduled in late April. . . .” *Id.* The motion requests a continuance to the trial docket scheduled

to commence in November 2022. *Id.* Neither Defendant nor Government counsel objects to the requested continuance. *Id.*

In any case in which a plea of not guilty is entered, the defendant's trial shall commence within seventy days from the filing of the information or indictment or the date of the defendant's first appearance, whichever comes last. 18 U.S.C. § 3161(c)(1) (Speedy Trial Act). In computing the seventy-day time period, the periods of delay set forth in 18 U.S.C. § 3161(h) are to be excluded. Any period of delay resulting from a continuance granted at the request of a defendant is excludable if the Court finds the ends of justice served by the taking of such action outweigh the best interests of the public and the defendant in a speedy trial, provided the Court sets forth the reasons for such finding. *See* 18 U.S.C. § 3161(h)(7)(A).

In light of counsel's need for additional time to obtain the security clearance required to review the discovery, and to discuss the case with Defendant, the Court finds it would be unreasonable to expect counsel to prepare this case for trial prior to March 21, 2022, and thus, would deny Defendant a right to effective assistance of counsel. Upon consideration of the factors set forth in 18 U.S.C. § 3161(h)(7)(B), the Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and the defendant in a speedy trial. The Court, in ordering this case removed from the March 21, 2022 Joint Criminal Jury Trial Docket, is not doing so because of congestion of the Court's calendar, in accordance with 18 U.S.C. § 3161(h)(7)(C).

For these reasons, it is

ORDERED that Defendant's motion to continue (Doc. 21) is **GRANTED**. This case is removed from the March 21, 2022 Joint Criminal Jury Trial Docket and is set for trial on the Joint Criminal Jury Trial Docket commencing on October 31, 2022.¹ It is further

ORDERED that a status conference is set for April 15, 2022 at 1:30 p.m. in Courtroom 6D. It is further

ORDERED that a pretrial conference is set for October 13, 2022, at 9:30 a.m. in Courtroom 6D. It is further

ORDERED that the time between the date of this Order and November 10, 2022, which is the last day of the October 31, 2022 Joint Criminal Jury Trial Docket, shall be excluded in computing the time within which this trial must commence pursuant to 18 U.S.C. § 3161(h).

IT IS SO ORDERED.

DATE: February 22, 2022

/s/ W. Brian Gaddy
W. BRIAN GADDY
UNITED STATES MAGISTRATE JUDGE

¹ Defense counsel's motion requests the trial docket scheduled to commence on November 7, 2022 (*See Doc. 21*), however the first day of the docket is October 31, 2022.